

## MINERS' WITNESS ENTANGLED.

## PEACE JUSTICE DISGUSTS THE STRIKE COMMISSION.

Reveals That He Was an Active Sympathizer With Miners—Judge Gray Throws Up His Hands at the Hearing.

PHILADELPHIA, Feb. 3.—If the testimony given to-day before the Anthracite Strike Commission by one of the mine workers' star performers can be taken as a measure of trustworthiness for lesser lights the structure they have built up can be considered a good one. Judge Gray, who was in the box in the "Square" McKelvey, who was heralded as one of the strongest witnesses for the mine workers, had not occupied the stand many minutes before he aroused the ire of Judge Gray by statements that were conflicting and absurd.

McKelvey emphatically denied every question put to him by Mr. Lenahan, although the latter from his frequent reference to notes had substantial foundation for his queries. The witness admitted that he had made speeches to the strikers on several occasions although he was not a miner, but was at that time a Justice of the Peace. Cross-examination brought out the fact that, despite his right to exercise the functions of this office, he had not punished one whom he knew to be guilty of violence. Several of the C. M. commissioners, McKelvey, with questions to his evident discomfort. He twisted and turned in his chair, but only plunged deeper in the mire. He tried to explain in a ten minutes' talk where he was when a man named Shike had been beaten by the crowd.

Finally Judge Gray said:

"Here, make a diagram of it."

At the conclusion the Judge threw his hands up and said:

"All right. You can go. I give it up."

After cross-examination by Lawyer Lenahan, Mr. McKelvey said that he had gone over to Jeddo borough and had discovered a crowd there. He had received a letter from the traction company warning him that a breach of peace was contemplated. He had talked to the crowd and told them that they were acting contrary to John Mitchell's orders. Previous to this he had been going through Hazleton, Pa., at 11 o'clock at night and had seen a crowd of men gather about.

"They were in number sufficient to attract your attention?" asked Mr. Lenahan.

"They were."

"And you went around from point to point—this was about 12 or 1 o'clock in the morning—advising these men to go home, did you not?"

"No."

"What did you say to them?"

"I advised them to stay off company property and to molest no one."

"You were there from 12 or 1 o'clock in the morning until 7 o'clock going around telling these people to trespass upon the property of the companies, were you not?"

"Yes, sir."

"They were picketing—lying in wait for non-union men?"

"Yes."

"Were you also a picket?"

"No, I haven't been a picket since '97."

"Did you go to the Hazleton house with Gallagher and force all the servant girls to strike because non-union men were stopping there?"

"No."

"Didn't you hire an omnibus to take the girls away?"

"Yes, I hired a bus."

"Did you then, next day, go to the window of the Hazleton house and say to the girls, consisting as they did of the family of the proprietor, that you were a lot of damned scoundrels and you want to look out for yourselves?"

"Don't you remember grabbing a boot-black and saying, 'Damn you, don't shine that fellow's shoes. He is a scab'?"

"No."

The cross-examination then turned upon McKelvey's connection with the Shike affair. Shike, an old man, was beaten and stabbed by a mob of miners in Hazleton. McKelvey admitted that he had gone to Shike's house and warned his son not to work. John T. Lenahan said:

"Now, inquire, what business was that of yours?"

"I think it was everybody's business," returned the Justice.

"Shike was a peace man, was he not?"

"Well, I don't think he was so badly beaten."

"You do not think that a man with ribs broken and two knife stabs in him was badly beaten?"

"The witness was silent."

McKelvey said he knew many of Shike's associates, but had not issued warrants for them. He reluctantly admitted that there had been a warrant issued for himself, upon which he was later released. He admitted that Shike had denounced him as his assailant. He said Shike's wounds were only five scratches, although they kept him in the hospital a month.

The witness denied that he had said as Shike and Wooding, a deputy, came down. There was a scene and a deputy. Don't let the dirty scab go. No assault he had admitted he had been committed by anyone until he had reached the place.

Here the witness was cross-examined by Judge Gray upon why as a Justice of the Peace he should have "paid his respects to the pickets." McKelvey wriggled for a while and finally the chairman dropped him in disgust.

Later Judge Gray questioned him on the Shike matter. McKelvey said he saw the elder Shike coming down Broad street. He could not tell how he got into trouble unless some one told him his son was attacked on the street above.

"What was going on when you got up to where the son was?"

"There was a crowd, as though the crowd was watching a rooster fight. I did not see Mr. Shike, but I saw the son, and I grabbed him, knowing he was in trouble at the same time he was working. I thought that was the cause of the trouble. So I grabbed him and pulled him off the pavement and told him to come with me and I would take care of him."

McKelvey was urged by Judge Gray to tell just where he was standing and where he saw the younger Shike. He gave in ten minutes as many different places. Finally the chairman, disgusted, said:

"Give me a map. I will have the witness make a little diagram. I want to understand this."

The witness drew a diagram as requested. Then he said:

"The crowd with the son was there [indicating on diagram] New York was there [indicating] I was here [indicating] and I ran up and pulled him at the crowd and pulled him over here [indicating]."

"Then where were you after you pulled him?"

"There [indicating]. I stood right there almost at one side of the son."

"Where was the old man?"

"He was right here [indicating]."

"In the crowd?"

"Yes."

"About a dozen feet away from you?"

"About ten feet away."

"What was the crowd doing to him, if anything?"

"I did not see the crowd strike him. Shike was there [indicating] I was [indicating] I gave it up," said Judge Gray in disgust.

"If he was there before you, how could you see him up here [indicating on the diagram] running down the street with a club and a gun?"

McKelvey smiled the laughter of the room started down from the stand.

"Wait a minute," said Commissioner Parker.

"I understood you to say that you ad-

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